**IN THE HIGH COURT OF KERALA AT ERNAKULAM**

**PRESENT :**

**THE HONOURABLE MR. JUSTICE K.BALAKRISHNAN NAIR**

**WEDNESDAY, THE 6TH JUNE 2007 / 16TH JYAISHTA 1929**

**WP(C).No. 17299 of 2007(H)**
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**PETITIONER:**
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**MINI FRANCIS,**
**STAFF NURSE, PRIMARY HEALTH CENTRE,**
**KODIKULAM, IDUKKI DISTRICT.**

**BY ADV. SRI.A.JAYASANKAR**
**SRI.MANU GOVIND**

**RESPONDENTS:**
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**1. THE DIRECTOR OF HEALTH SERVICES,**
**TRIVANDRUM.**

**2. THE DISTRICT MEDICAL OFFICER (H), IDUKKI**

**3. SMT.M.N.ARIFA,**
**STAFF NURSE, TALUK HEAD QUARTERS HOSPITAL,**
**THODUPUZHA.**

**BY GOVERNMENT PLEADER SRI. BIJOY CHANDRAN**

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 06/06/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

K.BALAKRISHNAN NAIR, J.

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W.P.(C) No. 17299 of 2007-H

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Dated this the 6th day of June, 2007.

**J U D G M E N T**

The petitioner, while working at Primary Health Centre, Kodikulam has been transferred to Thodupuzha, by Ext.P5 order dated 15-5-2007. Therefore, this writ petition is filed challenging the same. While she was working at Kodikulam, she was transferred in the year 2000. She approached this Court by filing a writ petition and obtained stay of that transfer. The said writ petition was disposed of by Ext.P1 making the stay absolute, but, giving liberty to the competent authority to transfer the petitioner, in accordance with law, in future. Now, more than 7 years are over after the said judgment. While so, she was transferred. Against the said transfer order the petitioner has preferred Ext.P6 representation. She claims the protection available to a person who contracted inter-caste marriage. She also submits, she could not avail the benefit of Ext.P7 communication by which transfers in the Health Department were postponed owing to the out break of viral fever. The transfer order was issued only after publishing the draft list. The petitioner filed Ext.P4 representation. She has a case that the said representation was not considered while

issuing Ext.P5. There is no reason to assume that the petitioner's representation filed against the proposed transfer order was not considered while issuing Ext.P5. It is presumed that the officials were acted in accordance with law. The petitioner has already relieved from service. Her transfer is to a nearby place in the same Taluk which is at a distance of 30 kilometers. The petitioner has been working at Kodikulam for more than 7 years. Therefore, I find nothing illegal with the transfer. Accordingly, the challenge against the same is repelled. The petitioner prays the first respondent may be directed to consider and pass orders on Ext.P6 which is a representation filed by her, against Ext.P5 transfer. But, it is filed only on 30-5-2007. It is too early to direct the first respondent to consider it and issue a writ of mandamus. So, the said prayer of the petitioner cannot be allowed. I am sure that if Ext.P6 is received and pending, the first respondent will consider the same, in the due course.

Subject to the above observations, the Writ Petition is dismissed.

K.BALAKRISHNAN NAIR,
JUDGE.

MS